

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	
JOHN J. DIAMONT, JR.)	CRIMINAL NO. 05-10154-MLW
)	
Defendant.)	
)	

DEFENDANT'S MEMORANDUM REGARDING STATUS CONFERENCE

Defendant John Diamont ("Diamont") files this memorandum to inform the Court of issues that will arise at the March 16, 2006 status conference.

I. Prosecution and Defense Theories

The government alleges that its witness, Yale Strogoff, purchased scrap metal from Mr. Diamont's company, Crystal Steel, and paid approximately 1/3 of the price by check, and 2/3 with cash. It alleges from 1996-2000, Strogoff paid Diamont \$297,000 in cash that was not reported on company or personal tax returns.

Diamont's defense is that Strogoff is testifying falsely, to hide the extensive criminal activity and personal tax evasion that Strogoff and his family committed. The Strogoffs generated millions of dollars of cash from their business by cashing checks at Heller's Café in Chelsea, and the Broadway National Bank. Diamont owns and runs a small, successful business and has never before been investigated for or charged with a crime. During the years in question Diamont paid 34% of his income in federal taxes. The government alleges he saved 1-2% of his income by the alleged scheme with Strogoff.

II. Scheduling

The defense expects the trial to last 7-10 days. In addition to the trial, Diamont asks that the Court schedule an evidentiary hearing on significant motions in limine that he expects to file to limit or exclude government evidence. Diamont expects the government will need to call

witnesses as part of these motions. Depending on whom the government presents at the hearing, and what they say, the defense may need to call one or more witnesses. Thus the defense requests that the Court schedule a two-day hearing on the proposed motions in limine, but to separate the two days.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Michael Kendall
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Dated: March 13, 2006

CERTIFICATE OF SERVICE

I, Michael Kendall, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Michael Kendall

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